

**PLANNING COMMISSION MINUTES**  
**January 14, 2010**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE FEB. 11, 2010 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present:	Lon Wall, Chair	Derek Duff	Thomas Barnes
	Matson Haug	Philip Smith	Cathy Stuhr

Absent: Nick Tri (excused)

Staff Present: Barton Brierley, Planning & Building Director  
David Beam, Economic Development Planner  
Steve Olson, Associate Planner  
Jessica Nunley, Assistant Planner  
Dawn Karen Bevel, Recording Secretary

Others Present:	Denise Bacon (Councilor)	Lee Does
	Sydney Wermlinger	Sid Friedman
	Marvin Schneider	

**II. OPEN MEETING:**

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

**III. ELECTIONS FOR CHAIR AND VICE CHAIR:**

**MOTION #1: Haug/Barnes** moved to nominate Commissioner Nick Tri as Chair and Commissioner Philip Smith as Vice Chair. (6 Yes/ 0 No/ 1Absent [Tri]) Motion carried.

Vice Chair Smith continued the meeting.

**IV. CONSENT CALENDAR:**

Vice Chair Smith entertained a motion to accept the minutes of the December 10, 2009 meeting.

**MOTION #2: Haug/Barnes** to approve the minutes from the Planning Commission Meeting of December 10, 2009. (6 Yes/ 0 No/ 1Absent [Tri]) Motion carried.

**V. COMMUNICATIONS FROM THE FLOOR:**

Vice Chair Smith offered an opportunity for non agenda items to be brought forth. No topics were brought forward.

## VI. LEGISLATIVE PUBLIC HEARING:

**APPLICANT:** City of Newberg

**REQUEST** (Hearing continued from December 10, 2009, at the point of deliberation. Public testimony was closed but may be reopened at the discretion of the Planning Commission): Consider revisions to Newberg's Economic Opportunities Analysis (EOA). The EOA, adopted in 2006, is a section of the Comprehensive Plan and also helps implement Statewide Goal 9 (Economic Development). The EOA revisions include updated buildable land inventories for commercial and industrial land, updated demographic and economic statistics, updated information regarding Newberg's economic development strategy, and updates to the Comprehensive Plan land need and supply tables.

**FILE NO.:** CPTA4-09-001

**RESOLUTION NO.:** 2009-275

### **Opening of the Hearing:**

Vice Chair Smith opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. Vice Chair Smith polled those in the audience to see which legislative hearing they were present for; all of whom were in attendance for File Number CPTA4-09-001; Resolution No.: 2009-275.

**MOTION #3:** Haug/Stuhr moved to change the order of the Legislative Hearings on the agenda with Resolution No. 2009-275 being heard first. (6 Yes/0 No/ 1 Absent [Tri]) Motion carried.

Jessica Nunley, Assistant Planner, presented the staff report and the revised Economic Opportunities Analysis (EOA) (see official meeting packet for full report). The staff recommendation is to pass Resolution 2009-275 recommending that City Council adopt the revised Economic Opportunities Analysis as shown in Exhibit A and the accompanying Comprehensive Plan Amendments as shown in Exhibit B. Ms. Nunley presented the background on the Economic Opportunities Analysis and explained because of concerns voiced by the Planning Commissioners and during public testimony at the December 10, 2009 Planning Commission hearing, staff was prompted to do further revisions using newer data. The reason staff did not include the updated information before this hearing is due to the State Noticing Requirements, which states the draft must be sent in forty-five days prior to a public hearing. Staff sent their draft in October 2009 and the updated information did not come out until November 2009. Ms. Nunley reviewed the revisions from the December 10, 2009 Planning Commission hearing and then responded to issues that were raised at the same meeting as outlined in the official meeting packet.

David Beam passed out two updated handouts to the Planning Commissioners: pages 25 and 26 of the Economic Opportunities Analysis that have been revised.

Commissioner Duff asked how the 35 – 45 minute drive-time from Newberg to downtown Portland was calculated. Ms. Nunley replied it was her actual drive time from Portland to Newberg during the morning and evening rush hour.

Commissioner Wall asked staff to elaborate on letter (q) under General Policies in the Proposed Comprehensive Plan Amendments, Exhibit B. Barton Brierley explained Newberg needs to be innovative and look for ways that would be a positive outcome for the City as well as businesses.

Vice Chair Smith stated in terms of "small town quality of life" one detail that was not mentioned is Newberg benefits from a steep gradient from the top of the hill down, but that is all county land. Can we make it a county policy to have a green space between Washington County and the City of Newberg? Also, since McKay Road is in Marion County, can we encourage them to keep McKay Road as it is? Jessica Nunley replied Marion County was included in the entire South Industrial process and had no objections to McKay Road being the travel route to I-5. Barton Brierley stated that ultimately, Newberg ought to maintain communication with Marion County and Washington County regarding regional growth issues. Vice Chair Smith referred to Table 12-1: Site Size Distribution by Firm Employment (2010-2030). The report states there are no infill sites available in the Urban Growth Boundary (UGB) that are zoned M-4 sites. Ms. Nunley replied that is correct. Vice Chair Smith referred to page 57 of 284 in the official meeting packet. The assumption for Retail Trade and Retail & Hospitality employment was projected to grow according to Newberg population growth, which is an approved method. For other industries, employment was projected to grow for the 2008 - 2018 period at the same rate as the projected six-county change shown in Table 12 - 2 on page 56, which is also an approved rate. What is the difference in methodology on the employment projections? Barton Brierley explained the regional employment projections are lower than the estimated population growth projections for the 2008 - 2018 period.

Vice Chair Smith stated the previous hearing on this matter was held on December 10, 2009. After public testimony was closed, the Planning Commission began deliberations. Although the public record was closed at the last hearing, the Planning Commission may choose to reopen the record for additional public testimony. Commissioner Haug stated in light of the latest revisions to the Economic Opportunities Analysis, the public hearing should be re-opened.

**MOTION # 4: Wall/Duff** moved to re-open the public testimony on Resolution 2009-275. (6 Yes/ 0 No/ 1 Absent [Tri])

Vice Chair Smith recessed the meeting at 7:48 PM for a four-minute break.

TIME - 7:52 PM

**Proponents:** Marvin Schneider congratulated Newberg on planning for the future. This should have been done 20 years ago. The surrounding cities such as Sherwood and Tualatin have known industry is where they get their tax money. Now Newberg realizes employment is needed within the city. Living close to where you work is the answer. Commissioner Haug asked Mr. Schneider how long he has lived in Newberg. Mr. Schneider replied since 1950.

**Opponents:** Lee Does stated that although he cannot quote exact verses from the Economic Opportunity Analysis, he has read it thoroughly as well as the state economic projections. Many do not want to live in Sherwood or Tualatin and that is the reason why many drive to other communities to work. Traffic will get worse, in time. We do need to grow to stay viable, but education and healthcare are the two areas in which Newberg can grow. Sherwood and Tualatin are not in a valley and can draw on other communities around them; Newberg cannot. The bypass will be a benefit to Newberg, as mentioned in the Economic Opportunity Analysis. In terms of planning 30 years in the future, Mr. Does hopes to grow slowly and carefully. Commissioner Smith asked Mr. Does if he is mainly concerned with the South Industrial Plan. Mr. Does explained he is concerned with industries that are failing right here in town, thus Newberg is not in need of a large amount of land to bring new in new business. There is not a sense of urgency.

Commissioner Wall stated there is urgency for the 14% of those who are unemployed. Although it is difficult to predict the future, Newberg needs to be prepared to bring business into town.

Commissioner Haug stated in his view, this document stands on its own whether the economy is good or bad. Mr. Does wants to protect farmland and does not want to condemn farmlands to growth.

Sid Friedman testified on behalf of 1000 Friends of Oregon and Friends of Yamhill County. These organizations have reviewed the revised Economics Opportunity Analysis and continue to have strong objections, especially now with the revisions. One revision Ms. Nunley did not mention is the Economic Opportunities Analysis is now forecasting more of a job growth in the manufacturing sector than it did previously and is asking for more industrial land than it did in the December 2009 version. The Oregon Employment Department is forecasting 1.7% drop in manufacturing jobs over the long-term. The organizations are pleased that in light of testimony given in December 2009, Newberg did revise the regional employment projections to reflect data that is more current. It is important that the new data be used to determine the outcome and what Newberg is asking for. The fastest growing sector is education and health services. To be clear, the overall job growth projection is not the problem in the Economic Opportunities Analysis but rather the over-allocation of those jobs to the most land consumptive sectors of the economy. The assumptions in the revised table still do not show the impact on the overall acres of which Newberg is requesting. Mr. Friedman raised the issue that it can be assumed that some jobs, which might otherwise locate on larger sites, will be accommodated through infill and through intensification of existing uses. There are so many opportunities and needs to do infill now. Commissioner Wall asked if Mr. Friedman is suggesting the Economic Opportunities Analysis Plan is asking for more industrial land as it is now revised. Mr. Friedman replied the Ad Hoc Committee for Newberg's Future report was based on moderate population growth but they based their employment projection on the high employment growth scenario. He is unsure whether it is more land than the Ad Hoc Committee recommended but it is substantially more land than was included in the December 2009 Economic Opportunities Analysis. Commissioner Stuhr stated there are not many areas in Newberg to grow that do not include farmland. Mr. Friedman stated if the amount of land the City was asking for was more in line with what the numbers support, the various organizations would be less likely to be in opposition. Vice Chair Smith asked about the objections to job forecasting. Table 12.2 shows the State of Oregon projects a 2% decline in manufacturing jobs between the years 2008 – 2018. The Economic Opportunity Analysis is the same and the plan follows that scenario. The state projection is not past 2018, but there is a state approved way of calculating beyond and that is by using population growth. Does he object to that method of calculation? Mr. Friedman reiterated it does not make sense to say manufacturing jobs are on a decline, but suddenly for unexplained reasons, that trend will reverse itself. What is the basis for that assumption? Opinions can differ as to what will happen in the future but it makes sense if a trend is going to reverse itself there is some plausible reason why that is anticipated. The long-term forecast should be based on the best data and projections from presumed experts.

Sydney Wermmlinger is a resident of Marion County and McKay Road goes through her farm. The traffic on McKay Road has gone up significantly. The freeway access is inadequate now and will be much worse in 30 years. She voiced her concerns regarding Tables 12.2 and 12.3. Table 12.2 states an increase in jobs in health and education in 10 years; Table 12.3 Newberg projects the job growth to go down 140 jobs. In order to service the population and businesses in Yamhill County, tractors need to travel McKay Road and the semi-trucks coming up behind them is already a safety concern. It is her understanding that the Marion County Commissioners do not want added traffic on that road. Vice Chair Smith urged her to be in contact with her County Commissioners. Commissioner Haug asked for her suggestions on how the traffic situation could be improved. Mrs. Wermmlinger understands the

increase in traffic will continue, but local jobs will certainly help. Perhaps access or frontage roads for farm traffic would help. Commissioner Stuhr asked if Mrs. Wermlinger has any confidence in the new state law regarding not being allowed to pass a farm vehicle. Ms. Wermlinger stated she is not aware of the new law.

Vice Chair Smith closed public testimony at 8:45 PM.

Vice Chair Smith asked for final comments from staff. Jessica Nunley stated Newberg already has an adopted Economic Opportunities Analysis from 2006 that shows the land need and supply tables. While that is the basis for future land use decisions including urban land use expansions, it needs to be updated with new information and data. As Vice Chair Smith said about the data methodology staff used for the employment projections, the Urban Growth Boundary rules require a 20-year supply of land, thus a benchmark had to be chosen in order to project past the year 2018. Staff chose the Goal 9 Safe Harbor since it is a defensible method under state law in calculating projections for employment land. In addition, staff does not predict that manufacturing will continue to decline over the next 20 years. As one of the slides showed, 20 years ago the United States was entering a recession yet we have certainly seen growth in most industry sectors since then.

Barton Brierley referred to the Employment Projects on the PowerPoint and explained the education and health services numbers were not shown on the previous table, although they were in the document. He pointed out the growth of health services on the chart. The reason it shows a decline is because the most recent data he could get was from the November 2009. The 2008 education and health services number is an average number and that is why it was higher. From 2008 to 2018, there is a decline in total manufacturing. He noted that it is not just manufacturing that uses industrial land. Wholesale trade uses it, as well as transportation, warehousing and utilities, and construction. The Economic Opportunities Analysis is the explanation for preparing for the future. The entire document explains the need and predictions for the future. Also, regarding the industrial infill potential, adding second shifts can certainly happen and is factored into the table. The current Economic Opportunities Analysis (2006) projects a need for 150 acres of industrial land through the year 2025 and an additional 50 acres through the year 2030.

Commissioner Haug is concerned about what will happen if the large industrial sites attract companies outside our target industries and that offer lesser wages. That is not our vision at all. Is there anything in land use planning to guard against that problem? Barton Brierley replied the most likely method would be to offer assistance to those companies that meet the wage and style of industry Newberg is targeting and offer less assistance for those industries that do not.

Barton Brierley closed the staff summary by stating this is not a plan to greatly increase the amount of industrial land from the current plans that have been adopted. The plan is neither aggressive nor is it shaky, but rather based on sound planning practices that has been endorsed by the State of Oregon. The best professionals have been used in developing the methodologies.

Vice Chair Smith entertained a motion for Resolution 2009-275.

**MOTION #5:** Haug/Barnes moved to recommend adoption of Resolution 2009-275, the revised Economic Opportunities Analysis.

TIME - 9:07 PM

**Deliberation:**

Commissioner Barnes asked if George Fox University will be expanding. Barton Brierley replied George Fox has developed a Campus Master Plan for the future. Their vision is to accommodate the growth within their current ownership. Commissioner Barnes does not see the senior health care industry growing in Newberg since Astor House is in need of residents now. Healthcare businesses in Newberg are failing. Commissioner Barnes sees tourism expanding in the future.

Commissioner Stuhr stated the charge of the Planning Commission is to do a reasonable, justified, fact-based job on planning for the future and she does not want to see Newberg unprepared. She is confident this is a middle of the road approach in preparing for the future.

Commissioner Haug stated Newberg needs to pay attention to improving the economy with better job balance. There is no more functional land than what has been identified and presented. Commissioner Haug believes half of the congestion problem is due to traffic going through Newberg, not from within Newberg. This document is going to try to protect Newberg for the future.

Vice Chair Smith recessed the meeting for a five-minute break at 9:19 PM.

TIME - 9:24 PM

**Continuation of Deliberation:**

Commissioner Wall does not remember a time when staff has ever misled him or given him incorrect information. Everyone has different perceptions. He does not want to embark on projections that are not in line with what the Ad Hoc Committee for Newberg's Future concluded, but that does not seem to be the case. Predicting the future is difficult but Newberg needs to prepare for growth.

Commissioner Duff stated he has lived in Newberg for only three years. His hope is he will be able to work in Newberg in the future instead of commuting to Portland every workday. The facts presented by the Newberg staff are good and they have done a thorough job.

Vice Chair Smith is in favor of the motion. This is an Economic Opportunity Analysis on which the Planning Commission and staff have spent much time. It identifies four main areas of Newberg's employment now and states 80% of new employment ought to be in the areas where Newberg is strong and then develop other areas of business along the way. This is certainly a reasonable methodology for predicting the future.

<b>Vote on Motion #5:</b> (6 Yes/ 0 No/ 1 Absent [Tri]) Motion carried.
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TIME - 9:35 PM

**APPLICANT:** City of Newberg

**REQUEST (Hearing continued from December 10, 2009):** Consider changes to the Newberg Development Code to support the development of more affordable housing. The changes would do the following:

- Add a definition regarding “special needs housing”;
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit;
- Modify current driveway standard to allow more than two lots per driveway; and,
- Define the process for allowing accessory dwelling units

FILE NO.: G-09-007

RESOLUTION NO.: 2009-273

CRITERIA: Newberg Development Code § 151.122(B)

### **Opening of the Hearing:**

Vice Chair Smith opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report). Staff recommends adopting the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

TIME - 9:52 PM

### **Deliberation:**

The Planning Commission deliberated on the proposed changes (see official meeting packet).

Commissioner Stuhr pointed out a typographical error on Exhibit A, page 20 under §151.003 Definitions under **Special Needs Housing** as follows: the word “*developmental*” should replace “*developmentally*”

### **Clarify the planning process for construction of accessory dwelling units:**

Commissioner Haug is not comfortable with Type I and believes Type II is more appropriate. There is no reason to be so aggressive and doing this will take the rights of the local community away.

Commissioner Wall stated it may cost a lot of money to the property owner if there is an appeal. This counters our goal of more affordable housing.

Commissioner Stuhr is concerned that this particular issue is beyond the issue of affordable housing. She agrees with Commissioner Haug.

### **Reduce parking requirements for affordable housing projects with nearby transit access:**

Commissioner Smith asked staff if 10% reduction is enough to interest a developer or would 20% be better. David Beam replied it depends on how large the project is; the bigger the project, the more of an incentive it would be for the developer. Barton Brierley stated the main cost with providing parking is space.

Commissioner Haug asked how tightly the proposed parking reduction ties into affordable housing. If we allow a reduction in parking, there should be a requirement to provide some affordable housing. Barton Brierley replied that the proposal not restricted to affordable housing projects. Granting the reduction is at the review body’s discretion. Vice Chair Smith stated there is a conflict between what Mr. Brierley stated and the actual wording on page 16 of 284 in the staff recommendation. That discrepancy was noted and will be corrected.

Commissioner Duff asked in terms of mass transit, where would such developments logistically go. He is a proponent of mass transit. Vice Chair Smith stated there needs to be a change in the language stating less than one hour regular service intervals during commuting hours. Although this change won't likely change much today, someday it will.

**Modify current driveway standard to allow more than two lots per driveway:**

Vice Chair Smith stated that if this comes out of a desire for affordable housing, he suggested increasing the number of houses on a driveway, thus tying the two together making it more appetizing for a developer.

The width of the driveway also needs to be taken into consideration due to the need for emergency vehicle access. Commissioner Haug clarified by stating there are currently two homes allowed per driveway. If that number is increased to 3 – 6 homes, there needs to be a requirement that some of those will be affordable units. He continued to explain he is not in favor of private streets.

Commissioner Wall stated his only objection to private streets is the accessibility of emergency vehicles. The street standards need to be changed or better yet, have a specific variance street standard. If it meets affordable housing guidelines, a public street can be just as narrow and inexpensive as putting in a private street and the City would have jurisdiction over it. He is concerned that currently there is no requirement of a maintenance agreement. Newberg has a poor record of enforcing maintenance agreements of all kinds.

Commissioner Barnes asked how alleys are classified, such as those in the Orchard Lair development. Barton Brierley replied most of them are public alleys and frontage is required on a public street for the homes in Orchard's Lair. Commissioner Haug stated there are many opportunities to develop flexibility.

Vice Chair Smith entertained a motion for Resolution 2009-273.

**MOTION#6: Stuhr/Duff** moved to adopt Resolution 2009-273 with the following changes: Section 151.003 make the typographical change to "*developmental*" from "*developmentally*"; Section 151.191 request the Type II process; Section 151.612 change language as follows: "At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting hours or where the development provides its own transit."; and table Section 151.703 to be reviewed further by staff. {6 Yes/ 0 No/ 1 Absent [Tri]} Motion carried.

TIME – 10:30 PM

**VII. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated Resolution 2009-275 will go before the City Council on February 1, 2010.

Other reports, letters, or correspondence:

The City has received money to do an Infrastructure Financing Plan for industrial land along Wynooski Road and other areas that may be added to the Urban Growth Boundary.



The next Planning Commission meeting is scheduled for February 11, 2010 at which time the Commission will be considering the new flood plain maps for Newberg submitted by the Federal Emergency Management Agency (FEMA) for adoption, as well as a Flood Plain Ordinance that has been drafted by staff.

Commissioner Wall learned that apparently audience members and/or interested parties can request copies of personal notes that have been written by the Commissioners because they are part of the record. Terrence Mahr, City Attorney will be explaining the guidelines in the near future. Commissioner Haug stated he sees no harm in it as long as he has a copy himself.

Commissioner Haug stated the Citizen's Rate Review Town Hall Meeting took place last evening. There will be a public hearing on January 27, 2010 at 7 pm in the Public Safety Building.

Commissioner Stuhr asked for an update on Fred Meyer. Barton Brierley has received recent correspondence from them and anticipates they will be back in the next few months.

**VIII. ITEMS FROM COMMISSIONERS:**

**IX. ADJOURN:**

Vice Chair adjourned the meeting at 10:38 PM.

**Approved by the Planning Commission this 11<sup>th</sup> day of February, 2010.**

**AYES:**

7

**NO:**

0

**ABSENT:**

0

**ABSTAIN:**

0

(List Name(s))

(List Name(s))

  
Planning Recording Secretary

  
Planning Commission Chair